

Delegated Report

Application No: 20250559

Location: BRT Properties Kent, Top Yard, Hardys Corner, 2 Vale Road, Northfleet

Description: Application for a non-material amendment to planning permission reference number 20240998 to allow adjustment of condition 11 to split into two parts to read Prior to the commencement of above ground works (i) a detailed scheme for an air handling system and noise mitigation of associated plant shall be submitted and approved, in writing, by the local planning authority and (ii), prior to the occupation of the building a written commissioning report, from a competent ventilation engineer, shall be submitted after it has been installed to demonstrate that the approved system has been fully implemented and access shall also be granted to an officer of the Council to ensure the system is in a suitable working order.

Applicant: BRT Properties Ltd

Proposal

Application for a non-material amendment to planning permission reference number 20240998 to allow adjustment of condition 11 to split into two parts to read Prior to the commencement of above ground works (i) a detailed scheme for an air handling system and noise mitigation of associated plant shall be submitted and approved, in writing, by the local planning authority and (ii), prior to the occupation of the building a written commissioning report, from a competent ventilation engineer, shall be submitted after it has been installed to demonstrate that the approved system has been fully implemented and access shall also be granted to an officer of the Council to ensure the system is in a suitable working order.

The application consists of the following:

Application Form

Covering letter

Drawing no. 7985-PD-01 rev C (proposed site plan, street scene, site section and location plan)

Relevant Planning History

20240998	Application for the variation of condition 2 attached to appeal ref APP/K2230/W/22/3302467 relating to erection of a three storey building with rooms in the roof space to provide 14 x two bedroom self-contained flats, with associated access, car parking, cycle parking, refuse stores and amenity space; to allow the alteration of the design of the windows and different sized dormers and ground floor doors accessing private terraces to be altered to windows and adjust the landscaping to suit.	Permit	05.03.2025
20211582	Erection of a three storey building with rooms in the roof space to provide 14 x two bedroom self-contained flats, with associated access, car parking, cycle parking, refuse stores and amenity space.	Refused, allowed at appeal	07.08.2023

Development plan

As an application under S.96A of the Town and Country Planning Act the considerations turn to whether the proposals are non-material. The application is not assessed under the development plan.

Analysis

There is no statutory definition of 'non-material'. This is because it is so dependent on the context of the overall scheme – what may be non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under s.96A.

The original planning application 20211582 was approved at appeal subject to condition 11 below:

Prior to the commencement of above ground works, a detailed scheme for an air handling system and noise mitigation of associated plant shall be submitted and approved, in writing, by the local planning authority. A written commissioning report, from a competent ventilation engineer, shall be submitted after it has been installed to demonstrate that the approved system has been fully implemented and access shall also be granted to an officer of the Council to ensure the system is in a suitable working order. It shall be implemented as approved and maintained in full working order for the lifetime of the development. Full installation, submission of the commissioning report and the Council inspection shall occur prior to the first occupation of the approved scheme.

Reason: To ensure a satisfactory environment for future residents in accordance with policy CS19

of the CS.

The same condition was imposed on 20240998:

Prior to the commencement of above ground works, a detailed scheme for an air handling system and noise mitigation of associated plant shall be submitted and approved, in writing, by the local planning authority. A written commissioning report, from a competent ventilation engineer, shall be submitted after it has been installed to demonstrate that the approved system has been fully implemented and access shall also be granted to an officer of the Council to ensure the system is in a suitable working order. It shall be implemented as approved and maintained in full working order for the lifetime of the development. Full installation, submission of the commissioning report and the Council inspection shall occur prior to the first occupation of the approved scheme.

Reason: To ensure a satisfactory environment for future residents in accordance with policy CS19 of the CS.

Upon attempting to discharge this condition under reference 20250300 it was noted that it is not possible to discharge this condition in full as it requires a report after installation. Therefore prior to the commencement of works is not possible.

The applicants are therefore requesting the condition be reworded to read:

*Prior to the commencement of above ground works (i) a detailed scheme for an air handling system and noise mitigation of associated plant shall be submitted and approved, in writing, by the local planning authority; and
(ii), prior to the occupation of the building a written commissioning report, from a competent ventilation engineer, shall be submitted after it has been installed to demonstrate that the approved system has been fully implemented and access shall also be granted to an officer of the Council to ensure the system is in a suitable working order.*

Reason: To ensure a satisfactory environment for future residents in accordance with policy CS19 of the CS.

In consultation with the Council's EP Officer and the applicant the following condition is agreed to be acceptable:

*Prior to the commencement of above ground works (i) a detailed scheme for an air handling system and noise mitigation of associated plant shall be submitted and approved, in writing, by the local planning authority and
(ii), prior to the occupation of the building a written commissioning report, from a competent ventilation engineer, shall be submitted after it has been installed to demonstrate that the approved system has been fully implemented and access shall also be granted to an officer of the Council to ensure the system is in a suitable working order.*

The system shall be implemented as approved and full details of the reason for the installation of the air handling system and maintenance requirements needed to keep the system in full working order shall be provided to any purchaser.

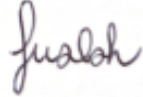
Reason: To ensure a satisfactory environment for future residents in accordance with policy CS19 of the CS.

It is considered that the above changes are non-material and are therefore acceptable.

Recommendation:

Approval of non-material amendment

See draft Decision

Case Officer:	Mrs Alison Webster	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	30 June 2025	Dated:	01 July 2025